

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COLUMBIA,  
ILLINOIS HELD MONDAY, AUGUST 20, 2007 IN THE COUNCIL ROOM OF CITY HALL

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I. CALL TO ORDER

Mayor Hutchinson called the City Council of Columbia, Illinois to order at 7:00 PM.

Upon Roll Call, the following members were:

Present: Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf.

Absent: None.

Quorum Present.

Administrative Staff Present: City Clerk Wes Hoeffken, City Administrator Anthony Traxler, City Attorney Tom Adams, Chief of Police Joe Edwards, Building Inspector Al Holden, and Fire Chief Mike Roediger.

The Council recited the Pledge of Allegiance.

II. APPROVAL OF MINUTES

The minutes of the Public Hearing before the City Council held Monday, August 6, 2007 were submitted for approval.

Corrections were forwarded to Mr. Hoeffken.

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Agne, to approve the minutes of the Public Hearing before the City Council held Monday, August 6, 2007, as amended and on file at City Hall. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

The minutes of the Regular Meeting of the City Council held Monday, August 6, 2007 were submitted for approval.

Corrections were forwarded to Mr. Hoeffken. Alderman Stumpf expressed concern about the quality of the audio tapes for the Council meetings and suggested that the Council consider purchasing new equipment.

MOTION:

It was moved by Alderman Row, and seconded by Alderman Ebersohl, to approve the minutes of the Regular Meeting of the City Council held Monday, August 6, 2007, as amended and on file at City Hall. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Row, and Mayor Hutchinson voted yea. Aldermen Unnerstall, Hejna, Oberkfell, and Stumpf voted nay. Motion Carried.

III. DELEGATIONS

A. Certificate of Achievement

Mayor Hutchinson presented a Certificate of Achievement to Chief Joe Edwards for his accomplishment as becoming a Certified Chief of Police.

B. Introduction Of Tom Kuhn

Mr. Kuhn, the new Superintendent of Public Works, was introduced to the Council.

C. Columbia Crossing

1. Gene Bergmann

Mr. Bergmann addressed the Council and proceeded to ask various questions, regarding the Columbia Crossing development, of the Aldermen who he perceived as opposing the Columbia Crossing development. Some of the Aldermen replied, while others requested the opportunity to provide written responses to the questions, or discuss one-on-one. Alderman Oberkfell questioned Mr. Bergmann if the other elected officials would be asked similar questions. Mr. Bergmann stated that he did not feel the other officials opposed the development and consequently, he did not have questions for them.

D. Columbia Crossing - Exhibit "H"

Alderman Unnerstall requested some verbiage changes to tighten up the Council's control over approval of Concept Plans. Included were the paving standards recommended by the City Engineer.

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Ebersohl, to authorize Exhibit H to be forwarded to G. J. Grewe, Inc. for their review and approval. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, Stumpf, and Mayor Hutchinson voted yea. Motion Carried.

MOTION:

It was moved by Alderman Agne and seconded by Alderman Row, to initiate the process to approve Exhibit H and to forward the document to the appropriate Boards and Commissions of the City of Columbia for public review, comments, and subsequent recommendation for the Council. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell and Stumpf voted yea. Motion Carried.

**IV. REPORT OF OFFICERS**

A. Library Board

The monthly report of the Library Board was presented to the Council.

B. Fire Department

The monthly report of the Fire Department was presented to the Council.

C. Police Department

The report of the Chief of Police was presented to the Council

D. EMS Department

The monthly report of the Director of the Columbia Emergency Medical Service was presented to the Council.

1. Employment of Katherine Dell - EMT-B

MOTION:

It was moved by Alderman Stumpf, and seconded by Alderman Niemietz, to accept the recommendation of the Assistant Director of EMS, Ken Buss, and employ Katherine Dell as an EMT-B, pending medical examination, drug test, and background review. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

E. Building and Zoning Department

The monthly report of the Building and Zoning Department was presented to the Council.

1. Employment of Brad Yearian - P/T Inspector

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Hejna, to accept the recommendation of the Building Inspector Al Holden and employ Brad Yearian as a part time Building Inspector, effective immediately. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

F. Plan Commission

The report of the Plan Commission was presented to the Council.

G. City Attorney

1. Virginia Payne Property Annexation Agreement

Mr. Adams informed the Council that the developer of the Virginia Payne property has requested clarification regarding the escrow account for improvements to Quarry Road. Mr. Sean Gooding, the developer stated that they would like to escrow \$40,000.00 for the improvements that would be made to Quarry Road versus Palmer Road. Mr. Gooding also stated that he would like to insure the money is spent on Quarry Road and not in another area of the City. Mayor Hutchinson stated that the City would create an escrow amount earmarked specifically for improvements to Quarry Road. Alderman Niemietz stated that she is not in favor of agreeing on the proposed amount until the City Engineer has an opportunity to review the worksheet provided by the developer. Mayor Hutchinson stated that the City Engineer will need to review the proposed amount and will probably want to contact the developer's engineers.

2. Winnifred Fiege Antiques

Mr. Adams informed the Council that an appraisal for the contents of the Winnifred Fiege home has been received from Asselmeier and May in the amount of \$23,780.00. Mayor Hutchinson referred this issue to the Municipal Buildings, Property, and Capital Improvements Committee.

EXECUTIVE SESSION

Alderman Unnerstall stated that he would like to make a motion to go into Executive Session. Mayor Hutchinson stated that such a motion would be out of order and he will not entertain a motion to go into Executive Session until the Council passes a motion to sanction members of the City Council for discussing Executive Session matters publicly. Alderman Unnerstall stated that this would be a major handicap to discuss probable litigation in open session. Alderman Niemietz stated that she does not understand why the Council is not willing to sanction itself by excusing members who can not abide by the rules of executive session.

MOTION:

It was moved by Alderman Unnerstall, and seconded by Alderman Hejna, to override the Chair. Upon Roll Call vote, Aldermen Agne, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Aldermen Ebersohl and Niemietz voted nay. Motion Carried.

MOTION:

It was moved by Alderman Unnerstall, and seconded by Alderman Row, to direct the Mayor to go into Executive Session at 8:32 PM for the purpose of discussing probable litigation between the City of Columbia, Illinois and Columbia Crossing, LLC with regard to the enforcement of the 2004 Master Development Agreement between the parties. Upon Roll Call vote, Aldermen Agne, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Aldermen Ebersohl and Niemietz voted nay. Motion Carried.

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Unnerstall, to return to Regular Session of the City Council at 9:08 PM. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

Upon return to Regular Session, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, Stumpf and Mayor Hutchinson were present.

Mayor Hutchinson inquired if there was any business to be brought before the Council as a result of the Executive Session.

3. Independent Attorney

MOTION:

It was moved by Alderman Unnerstall, and seconded by Alderman Stumpf, to proceed with the employment of an independent attorney to provide a second opinion regarding the validity of the 2004 Master Development Agreement and provide guidance on how to proceed on future actions regarding the Columbia Crossing development to prevent future litigation and additional liabilities. Upon Roll Call vote, Aldermen Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Aldermen Ebersohl, Agne, and Niemietz voted nay. Motion Carried.

H. Administration Department

The report of the City Administrator was represented to the Council.

1. Ordinance No. 2586 - Superintendent of Public Works

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Ebersohl, to pass Ordinance No. 2586, an ordinance deleting Chapter 2.30, Superintendent of Public Works of Title 2, Administration and Personnel, of the Municipal Code of the City of Columbia, Illinois. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, Stumpf, and Mayor Hutchinson voted yea. Motion Carried.

2. Ordinance No. 2587 - Goodhaven Drive Improvement Project

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Row, to pass Ordinance No. 2587, an ordinance authorizing an agreement to employ Baxmeyer Construction, Inc. of Waterloo, Illinois to set, pour, and finish concrete curbing and sidewalk along Goodhaven Drive in the City of Columbia, Illinois. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, Stumpf, and Mayor Hutchinson voted yea. Motion Carried.

3. Ordinance No. 2588 - Library Parking Lot Improvement Project

MOTION:

It was moved by Alderman Unnerstall, and seconded by Alderman Agne, to pass Ordinance No. 2588, an ordinance authorizing an agreement to employ Baxmeyer Construction, Inc. of Waterloo, Illinois to set, pour, and finish concrete pavement for the Library parking lot at 106 N. Metter Street in the City of Columbia, Illinois. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, Stumpf, and Mayor Hutchinson voted yea. Motion Carried.

I. City Clerk

Mr. Hoeffken presented his report to the Council.

1. Recording Equipment for Council Chambers

MOTION:

It was moved Alderman Stumpf, and seconded by Alderman Hejna, to seek bids for new audio recording equipment for the Council Chambers to replace the aging equipment currently in use. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Unnerstall, to accept the report of all Departments and Officers as presented. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

**V. CLAIMS & ACCOUNTS**

A. Vouchers

MOTION:

It was moved by Alderman Hejna, and seconded by Alderman Stumpf, to authorize the payment of vouchers received through August 13, 2007; the total amount of the vouchers to be paid is one hundred sixty-three thousand, seven hundred ten dollars, and seventeen cents (\$163,710.17). Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

**VI. OLD BUSINESS**

A. Horner & Shifrin Contract

1. Ordinance No. 2589 - Amend Horner & Shifrin Contract

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Agne, to pass Ordinance No. 2589, an ordinance allowing two (2) amendments to a Public Works Engineering Agreement dated November 14, 2005 between the City of Columbia, Illinois and Horner & Shifrin, Inc. for the Design and Construction Engineering Services required for the construction of the Fish Lake Interchange on Federal Highway I-255 in the City of Columbia, Illinois. Upon Roll Call vote, Aldermen Ebersohl, Agne, and Niemietz voted yea. Aldermen Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted nay. Motion Failed.

B. Programmatic Memorandum Of Agreement

Mr. Terry Grewe requested that the Council approve the Programmatic Memorandum of Agreement. There was no action taken by the Council.

**VII. NEW BUSINESS**

A. Me and My Mutt Dog Walk Fundraiser

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Row, to approve the request of the Humane Society of Monroe County for their annual Me and My Mutt Dog Walk Fundraiser to be held on Saturday, September 29, 2007 as on file at City Hall. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

B. Save A Life Foundation Proclamation

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Agne, to approve the Proclamation declaring September 2007 as Save A Life Month. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

C. Old Newsboys Day

MOTION:

It was moved by Alderman Oberkfell, and seconded by Alderman Agne, to approve the request of the Old Newsboys Day Fund for Children's Charities for their annual Old Newsboys Day fundraiser to be held on Thursday, November 15, 2007 as on file at City Hall. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

D. Employ Richard Ward - Professional Planner

MOTION:

It was moved by Alderman Unnerstall to contact Mr. Richard Ward, a Professional Planner to determine his availability to perform a study of the impact the Columbia Crossing development would have on the City of Columbia in its entirety.

Mayor Hutchinson stated that this motion is out of order and that the City has not budgeted funds for this type of service. Alderman Unnerstall stated that Mr. Ward could conduct a study that would identify the overall impact this development would have on the entire City. Mr. Grewe interjected that John Brancaglione, who the City currently has under contract, is regarded as one of the best in the business. Alderman Niemietz stated that the City has already gone through a selection process when they contracted with Mr. Brancaglione and PGAV. Alderman Unnerstall stated that he just wants an opportunity to find some common ground for this development.

MOTION:

It was moved by Alderman Unnerstall override the Chair regarding a motion to contact Mr. Richard Ward, a Professional Planner to determine his availability to perform a study of the impact the Columbia Crossing development would have on the City of Columbia in its entirety. Motion Failed for lack of a second.

**VIII. REPORT OF STANDING COMMITTEES**

A. Ordinance, Planning, and Zoning Committee

Minutes of the Ordinance, Planning, and Zoning Committee meeting held Monday, August 13, 2007 were presented to the Council for approval.

1. Admiral Trost Signage

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Ebersohl, to accept the recommendation of the Ordinance, Planning, and Zoning Committee and forward to the Street Graphics Advisory Committee to amend the sign code of the City to allow an identification sign of 25 feet by 15 feet for commercial developments, in exchange for 6 foot monument signs throughout the development. Upon Roll Call Vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Oberkfell, to approve the minutes of the Ordinance, Planning, and Zoning Committee meeting held Monday, August 13, 2007 as on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

- B. Fire Department Committee  
Minutes of the Fire Department Committee meeting held Monday, August 13, 2007 were presented to the Council for approval.

1. Fire Truck Purchase

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Niemietz, to accept the recommendation of the Fire Department Committee and authorize the City Administrator to proceed with the investigation of alternative financing options for the purchase of a new platform fire truck. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Niemietz, to approve the minutes of the Fire Department Committee meeting held Monday, August 13, 2007 as on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

- C. Streets, Sidewalks, Drainage, and Public Utilities Committee  
Minutes of the Streets, Sidewalks, Drainage, and Public Utilities Committee meeting held Monday, August 13, 2007 were presented to the Council for approval.

Corrections were forwarded to the City Administrator.

1. Lakeside Drive Stop Signs

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Oberkfell, to accept the recommendation of the Streets, Sidewalks, Drainage, and Public Utilities Committee and authorize the relocation of the "No Parking" signs from the west side of Lakeside Drive to the east side of Lakeside Drive between Micah's Way and Lakeshore Drive. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Oberkfell, to approve the minutes of the Streets, Sidewalks, Drainage, and Public Utilities Committee meeting held Monday, August 13, 2007 as amended and on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

**IX. CALL FOR COMMITTEE MEETINGS**

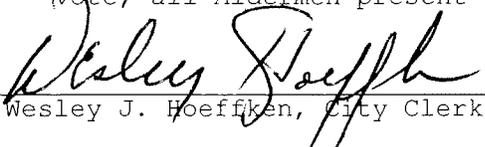
Monday, September 10, 2007

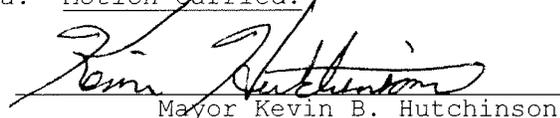
7:00 PM - Municipal Buildings, Property, and Capital Improvements

**X. ADJOURNMENT**

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Agne, to adjourn the Regular City Council Meeting held Monday, August 20, 2007 at 10:08 PM. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

  
Wesley J. Hoeffken, City Clerk

  
Mayor Kevin B. Hutchinson